

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 23747 of 2000

Between:

Ramachandra Reddy, S/o. Ranga Reddy, Conductor
Torrur, Warangal District.

..... PETITIONER

AND

1 Industrial Tribunal - Cum - labour Court, Rep. by its Presiding
Officer, Warangal.

2 The Depot Manager,
A.P.S.R.T.C., Hanamkonda Depot,
Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records from the first respondent and issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari and quash the award passed by the first respondent in I.D.No. 274 of 1990 dated 26.8.91 insofar as denying the continuity of service, and all other attendant benefits as illegal, arbitrary, unjust, contrary to law and perverse and grant all consequential benefits, and to pass such other or further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent No.1: G.P. FOR LABOUR

Counsel for the Respondent No.2: SMT.P.RAJANI REDDY, S.C. FOR APSRTC

The Court made the following :

ORDER

Heard Mr.P.Sridhar Rao, learned counsel for the petitioner, Smt.P.Rajani Reddy, learned Standing Counsel for the 2nd respondent and the learned Government Pleader for Labour appearing on behalf of the 1st respondent.

The petitioner who has been working as a conductor filed this Writ Petition *inter alia* seeking a Writ of Mandamus challenging the award passed in I.D.No.274 of 1990, dated 26-08-1991 where under the petitioner was given the relief of fresh appointment without considering back wages.

The case of the petitioner is that he was initially appointed in the year 1987 and his services were regularized on 01-04-1988. During a check conducted on 15-07-1988, certain irregularities were found and ultimately the petitioner was sought to be removed after conducting enquiry whereupon the petitioner sought to raise a dispute under Section 2-A (2) of the Industrial Disputes Act, 1947 and ultimately the 1st respondent passed the impugned order holding that the enquiry is valid and also finding on the charge is also correct. However by taking into consideration the facts and circumstances of the case, a direction was given to give a fresh appointment instead of reinstatement without awarding back wages. Hence the Writ Petition.

The learned counsel for the petitioner submits that having regard to the allegations made against him, nothing serious can be attributed, as the bus was overloaded due to the visit of the Chief Minister in the area and there are no proper interpretations in this regard.

The learned Standing Counsel appearing on behalf of the 2nd respondent sought to repel the aforesaid contentions and submits that having regard to the finding of fact arrived at by the 1st respondent with regard to awarding of punishment, no indulgence need be given.

Having considered the submissions made across the bar and on perusal of the record, the only question that falls for consideration is whether in the facts and

circumstances the petitioner is entitled for the relief of reinstatement with back wages as sought for?

There is no dispute of the fact that the petitioner worked as Conductor and in the check conducted on

15-07-1988 certain irregularities were found, whereupon the following charges have been made:

“1. For having failed to observe the rule ‘Issue and start’ which is a misconduct U/R 28 (xxxii) of APSRTC., Employees (Conduct) Regulations, 1963.

2.For having failed to issue tickets to six passengers who were in batches and individuals (3+2+1) in spite of collecting Rs.1/- each from them, who were found alighting without tickets at Ghanpur having boarded the bus at Ghanpur X road Ex-stages 14 to 15 which is a misconduct U/R. 28 (vi)(a) of APSRTC., Employees (Conduct) Regulations, 1963.

3.For having failed to collect the fare and issue tickets to a batch of three passengers who were found elighting without tickets at Ghanpur having boarded at Ghanpur X road ex-stages 14 to 15 which is a misconduct U/R 28 (vi)(a) of APSRTC., Employees (Conduct) Regulations, 1963.

4.For having closed the tray Nos. of all denominations in SR upto stage No.15 without completing ticket issue to the above passengers which is a misconduct U/R.28 (xxv) of APSRTC., Employees (Conduct) Regulations, 1963.”

Thereupon an enquiry was conducted and ultimately, he was removed from service. In the Enquiry report of the 1st respondent herein, it was held that the enquiry as conducted by the Department is valid. There is no serious challenge in this regard. Having regard to the nature of allegations made and also especially in view of the finding of fact arrived at by the 1st respondent, it is not open for this Court to go into the correctness of the punishment awarded to the petitioner. Further in this case, the award was passed as long back as on 26-08-1991 and the same was published in the Gazette in G.O.Rt.No.2221, dated 30th October, 1991, whereas this Writ Petition is filed on 01-12-2000. In the affidavit filed in support of the Writ Petition, no reason much less any valid reason is forthcoming for such long delay on the part of the petitioner in approaching this Court.

In view of the same, I do not find any justification to show any indulgence much less to invoke the extraordinary jurisdiction of this Court under Article 227 of the Constitution of India. In the circumstances, I do not find any merit in the Writ Petition and accordingly, the Writ Petition is dismissed. No costs.

16-02-2005.

Hsd

Asst. Registrar

To

- 1 The Presiding Officer, Industrial Tribunal - Cum - labour Court, Warangal.
- 2 The Depot Manager,
A.P.S.R.T.C., Hanamkonda Depot,
Warangal District.
3. 2 C. Cs to G.P. for Labour, High Court Buildings, Hyderabad
(OUT)
4. 2 C.D. copies.